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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,248	06/01/2001	Masahiro Shioji	010721	8234

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

HANNETT, JAMES M

ART UNIT PAPER NUMBER

2612

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/871,248	Applicant(s) SHIOJI, MASAHIRO	
	Examiner James M. Hannett	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/27/2005 have been fully considered but they are not persuasive. The applicant argues that Endo does not teach the new limitation of “detecting a maximum file number from among the file numbers which are assigned to the image files stored in the record destination folder, and to assign a file number continuous from the maximum file number”. The applicant points out that in Endo file numbers are successive in a recording order without regard to a category (folder).

The examiner disagrees with the applicant. Endo numbers a new captured image consecutively based on all the captured files (still or motion) not just based on the still images in the still image folder. A situation can arise where the last captured file was a MPG file stored in the MPG folder. If the next subsequent capture were that of a still image, the still image would be assigned a number corresponding to the next number after the captured MPG. This would result in the new still image file stored in the still image folder as not being numbered consecutively with the last captured still image. However, the camera of Endo is not limited to allowing the camera user to only capture still images after a motion video capture. Furthermore, the camera of Endo gives a camera user the ability to capture MPG video, however, the camera user can only take JPG still images if desired. Therefore, if the last captured object by the camera was a JPG still image and assigned a number “008” the next subsequent action taken by the camera (if a still image capture) will record the still image into the still image folder and assign the number “009” to the image Endo et al Column 5, Lines 23-39.

Art Unit: 2612

The applicant should note that examiner Jacqueline B. Wilson is no longer the examiner assigned to this case. All further actions will be addressed by examiner James M. Hannett.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Image file management within a digital camera.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1: Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN

6,763,182 Endo et al.

2: As for Claim 1, Endo et al teaches in Figure 2 a digital camera which accesses a recording medium (memory card 2) having a plurality of folder to store a plurality of image files to each of which a file number is assigned. Figures (2, 4A and 4B) and teaches on Column 4, Lines 17+ (a plurality of folders referred to as sub-directories for still and moving images). Endo et al further teaches a control micro-computer (7) which inherently has a point for pointing to any one of the plurality of folders formed in the recording medium (2) as record destination depending on the type of image being captured (still or moving Column 5, Lines 5-50). This reads on the Limitation of a first pointer to point at any one of the folders as a record destination.

Art Unit: 2612

Endo et al also teaches the control micro-computer (7) inherently has a pointer for pointing to any one of the plurality of folders formed in the recording medium (2) for reproducing images (still or moving, Column 5, lines 51+). This reads on the limitation of a second pointer to point at any one of the folders as a reproducing destination folder. Furthermore, in order to display the desired image file, not only will the micro-computer (7) need to point to the correct directory, the micro-computer (7) will need to point to the correct image file within the directory. Therefore, the micro-controller (7) inherently has a third pointer to point any one of the image files stored in the reproducing destination folder. Endo et al further teaches a writer (7) for writing a new image file accommodating photographed image data (Column 5, lines 24+) to the record destination folder when a recording instruction is issued. Endo teaches a first changer (referred to as setting the camera to a reproduction/playback mode or recording mode indicated by a shutter button 14 in which the changeover switch 13 sets the camera into the selected mode;(col. 5, lines 5-8 and 51-54). This first changer (changeover switch 13) changes a point destination of the second pointer (which indicates the folder of the image to be reproduced) and changes a point destination of the third pointer (which indicates the image file within the folder of the image to be reproduced) to a point destination of the first pointer (the image to be recorded in the specific location according the a recording instruction), activating the shutter button 14 for image capture). This is interpreted as changing the point destination of the second pointer to a point destination of the first pointer (changing from a location of reproducing to a location of recording). Endo et al also teaches a file number assigner for assigning file numbers (Column. 5, Lines 23-39). Endo numbers a new captured image consecutively based on all the captured files (still or motion) not just based on the still images in the still image folder. Furthermore, the

camera of Endo gives a camera user the ability to capture MPG video, however, the camera user can only take JPG still images if desired. Therefore, if the last captured object by the camera was a JPG still image and assigned a number "008" the next subsequent action taken by the camera (if a still image capture) will record the still image into the still image folder and assign the number "009" to the image Endo et al Column 5, Lines 23-39. Therefore, the writer (7) includes a detector to detect a maximum file number from among the file numbers which are assigned to the image files stored in the record destination folder, and an assigner to assign a file number continuous from the maximum file number detected by the detector to the new image file.

3: In regards to Claim 2, Endo et al teaches a folder number assigner (Column 4, Lines 8 33) for assigning different folder numbers respectively to the folders formed in the recording medium, wherein the first pointer holds a folder number of the record destination folder, the second pointer holds a folder number of the reproducing destination folder, the first changer sets a folder number held by the first pointer to the second pointer (Column 5, lines 6-67).

4: As for Claim 5, Endo et al teaches a selector (Column 5, Lines 60+) for selecting a designated folder as the reproducing destination folder; and a second changer (inherently located in the micro-computer 7) for changing only the pointing destination of the second pointer among the first pointer and second pointer to a folder selected by the selector (Column 5, Lines 13+).

5: In regards to Claim 6, Endo et al teaches on Column 3, Lines 38-41 a digital camera further comprises a reproducer (display unit 5) for reproducing (displaying) an image file specified by the second pointer (points to Folder) and the third pointer (points to specific file within folder) when a reproducing instruction (display) is issued. Endo et al teaches on Column 6, Lines 3-22 that when a user presses a Button to display the image on the display (5), the

Art Unit: 2612

micro-computer (7) will read from the memory card (2) the file indicated. The microcomputer will inherently need to be able to point to both the appropriate folder and file in order to acquire the image.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

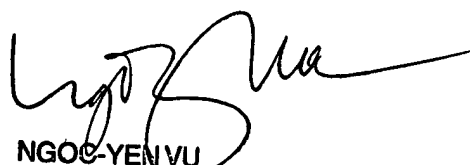
Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612



JMH
January 20, 2006



NGOC-YEN VU
PRIMARY EXAMINER